

Notice of Allowability

Application No.

10/621,900

Examiner

Bena Miller

Applicant(s)

KOPELLE, RICHARD A.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 17 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/24/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Bena Miller

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Ursula Day on 11/24/04.

The application has been amended as follows:

On page 11 of the specification, line 5 of par. [0031], the phrase "two sensors" should be deleted and the phrase -- activation pads -- should be inserted.

On page 11 of the specification, line 7 of par. [0031], the word "leg" should be deleted and the word -- activation -- should be inserted.

In claim 1 line 19, the word "a" should be deleted and the word -- the -- should be inserted.

In claim 2, line 5, the word "switch" should be deleted and the word -- switching -- should be inserted.

In claim 2, line 6, the first occurrence of the word "switch" should be deleted and the word -- switching -- should be inserted.

In claim 2, line 6, the word "a" should be deleted and the word -- the -- should be inserted.

In claim 4, line 1, after the second occurrence of the word "the", the phrase -- head portion has facial features wherein the -- should be inserted.

In claim 6, line 1, the second occurrence of the word "the" should be deleted and the word -- a -- should be inserted.

In claim 6, line 5, the word "sensors" should be deleted and the word -- pads -- should be inserted.

In claim 7, line 3, the word "a" has been deleted and the word -- the -- has been inserted.

In claim 7, line 5, the word "sensor" has been deleted and the phrase -- switching means -- has been inserted; the phrase "means of" has been deleted.

In claim 7, line 8, the word "phases" has been deleted and the word -- phrases - - has been inserted.

In claim 8, line 1, the second occurrence of the word "the" has been deleted and the word -- a -- has been inserted.

In claim 8, line 3, the word "sensors" has been deleted and the phrase -- switching means -- has been inserted.

The following is an examiner's statement of reasons for allowance: The prior art teaches most of the elements of the claimed invention including a body assembly, a head portion, elongated flexible arms, an electronic circuit including a sound module and a plurality of switching means; however, the prior art fails to teach or suggest the combination of a body assembly with a corpulent torso, a head portion having a face with closed eyes, two elongated flexible arms, two truncated leg portions provided with activation pads, an electronic circuit and a plurality of switching means associated with the leg portions of the assembly and connected to the electronic circuit so as to provide

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a switch signal response to a user's touching of the respective leg portion activation pads and the method of providing the therapy buddy (according to claim 1) and activating the switching means by the activation pads at the legs of the therapy buddy to thereby trigger a mechanism.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bena Miller
Examiner
Art Unit 3714

bbm
November 24, 2004